

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

PLENTYOFFISH MEDIA, INC.,)
Plaintiff,)
vs.)
ANH TRAN,)
Defendant.)
CIVIL ACTION NO.: 1:09CV1152 TSE/TRJ
STIPULATION TO WAIVE ORAL
ARGUMENTS AND TO HAVE
DEFENDANT'S MOTION TO DISMISS
BE DECIDED ON THE PAPERS

RECITAL

Plaintiff Plentyoffish Media, Inc. and Defendant Anh Tran, by and through counsel, and pursuant to Local Rule 7(E) of the Local Rules for the Eastern District of Virginia, hereby stipulate to waive oral arguments for Defendant's pending Motion to Dismiss and to have Defendant's motion be decided on the papers.

On November 11, 2009, Defendant's counsel filed a Motion to Dismiss with the Court. On November 19, 2009, Defendant's counsel filed a Notice of Hearing Date on Defendant's Motion to Dismiss set for December 4, 2009.

The Clerk of the Court notified Defendant's counsel that Judge T.S. Ellis, III was unavailable to hear motions on December 4. Defendant's counsel notified the Clerk that they would Renotice the Hearing Date for December 11, 2009.

On November 20, 2009, the Court, *sua sponte*, continued the motion hearing date to December 18, 2009.

Defendant's counsel currently has motions pending in Richmond, Virginia on December 18, 2009. These hearing dates have already been continued twice, and the court will not grant

any further continuances.

Pursuant to Local Rule 7(E) of the Local Rules for the Eastern District of Virginia, “[t]he moving party shall be responsible to set the motion for hearing or to arrange with opposing counsel for submission of the motion without oral argument.”

On December 7, 2009, Plaintiff's counsel agreed to waive oral arguments on Defendant's motion to dismiss and to have the issue be decided on the papers.

For the foregoing reasons, the parties, through their undersigned counsel, stipulate and agree to waive oral arguments for Defendant's pending Motion to Dismiss and to have Defendant's motion be decided on the papers.

The parties further stipulate and agree that Plaintiff's Memorandum in Opposition to Defendant's pending Motion to Dismiss shall be filed on or before December 21, 2009.

IT IS SO STIPULATED.

Dated: December 8, 2009

Dunlap, Grubb & Weaver, PLLC

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Dated: December 8, 2009

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December __, 2009

The HONORABLE T.S. ELLIS, III
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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